## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:22-cv-00057-MR

RANDALL SCOTT MCCAUL,	
Plaintiff,	
vs.	ORDER
FNU RATHBONE, et al.,	
Defendants.	) ) )

**THIS MATTER** is before the Court on Plaintiff's letter, which the Court construes as a motion for refund of his filing fee. [Doc. 11].

Pro se Plaintiff Randall Scott McCaul ("Plaintiff") is a pretrial detainee currently detained at the Buncombe County Detention Facility in Asheville, North Carolina. Plaintiff filed this action on March 14, 2022, pursuant to 42 U.S.C. § 1983. [Doc. 1]. Plaintiff sought to proceed in forma pauperis, and the Clerk waived payment of the initial partial filing fee and directed Plaintiff's correctional facility to transmit partial payments in accordance with that Order. [Docs. 2, 7]. On initial review pursuant to 28 U.S.C. §§ 1915(e)(2) and 1915A, the Court found that Plaintiff failed to state a claim for relief and allowed Plaintiff 30 days to amend his Complaint. [Doc. 8]. Plaintiff failed to timely amend his Complaint and the Court dismissed this action for Plaintiff's

failure to prosecute. [Doc. 9].

Before the Court now is a letter from Plaintiff in which he asks about his "financial liability" for the filing fee "and or refund of collection(s) to date" in this matter, which the Court construes as a motion for refund of the filing fee. [Doc. 11].

Plaintiff's motion will be denied. A filing fee is exactly that – a fee for filing a complaint. Paying the filing fee (or being allowed to proceed without the prepayment of the filing fee) does not guarantee any particular result. It is merely required when a civil complaint is filed in this Court. See LCvR 3.1. After Plaintiff's fee was received, the Court conducted its initial review and dismissed Plaintiff's Complaint for his failure to prosecute. Local Rule 3.1(e) allows for the refund of fees only when payment was made in error or "at the direction of the Court." LCvR 3.1(e)(2). The Court declines to direct that Plaintiff's filing fee be returned under the circumstances here.

IT IS THEREFORE ORDERED that Plaintiff's motion for return of filing fee [Doc. 11] is **DENIED**.

IT IS SO ORDERED.

Signed: August 30, 2022

Martin Reidinger

Chief United States District Judge